

SITE DEVELOPMENT PERMIT

FILE NO.	H20-031
LOCATION OF PROPERTY	East side of Illinois Avenue between Jerome Street and West Virginia Street and (714 Illinois Avenue).
ZONING DISTRICT	R-2 Two-Family Residence
GENERAL PLAN DESIGNATION	Residential Neighborhood
PROPOSED USE	Site Development Permit to allow the demolition of an approximately 540-square foot carport and the construction of an approximately 1,221-square foot addition to an existing 1,450-square foot duplex on an approximately 0.16-gross acre site.
ENVIRONMENTAL STATUS	Exemption in accordance with CEQA Guidelines Section 15301(e) Existing Facilities
OWNER	Ping Hsu 27 Lausanne Avenue Daly City, California 94014
APPLICANT	Ping Hsu 27 Lausanne Avenue Daly City, CA 94014

FACTS AND FINDINGS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts and findings regarding this proposed project:

1. **Project Description.** The project consists of a Site Development Permit to allow the demolition of an approximately 540-square foot carport and the construction of an approximately 1,221-square foot addition to an existing 1,450-square foot duplex on an approximately 0.16-gross acre site.
2. **Site Description.** The subject approximately 0.16-gross acre site is currently developed with a duplex located on the east side of Illinois Avenue, between Jerome Street to the south and West Virginia Street to the north. The site is surrounded by a single-family house to the north, the Gardner Community Center to the east, a duplex to the south, and single-family houses across Illinois Avenue to the west.

3. **General Plan Conformance.** The Envision San José 2040 General Plan Land Use/Transportation Diagram designation for the subject site is Residential Neighborhood. This land use designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhoods which comprise most of its developed land. The subject site is developed with an existing duplex. The surrounding neighborhood is developed with a mix of single-story duplexes and single-family houses. The single-story addition would not increase the number of units and would match the character and density of the surrounding neighborhood.
4. **Zoning Ordinance Conformance.** The project site is located within the R-2 Two-Family Residence Zoning District. Pursuant to Section 20.110.610 of the San José Municipal Zoning Code, a Site Development Permit is required prior to the issuance of any building permit for the erection, construction, enlargement or installation of a building or structure in conformance with the applicable zoning regulations. The project conforms with all development standards of the R-2 Zoning District pursuant to Section 2.30.200 of the San José Municipal Zoning Code.
- a. Use. A duplex is a permitted use in the R-2 Zoning District pursuant to Table 20-50 of Section 20.30.100 of the San José Municipal Zoning Code.
- b. Setbacks and Height.

Development Standard	Required	Provided
Front setback	15 feet	20 feet
Side, interior setback	5 feet	5 feet (north), 10 feet (south)
Rear, interior setback	25 feet	34 feet
Minimum driveway length	0 feet	148 feet
Maximum height	35 feet	16 feet, 2 inches

- c. Parking. The duplex use requires two covered parking spaces per unit, therefore 4 vehicle parking spaces are required. The project would provide four open air parking spaces in the rear of the site. The area would be paved, and each space would be 8.5 feet by 19 feet.
5. **Design Guidelines Consistency.** The project consists of an approximately 1,221 square foot addition to the side and rear of an existing duplex. There would be no change in height to the existing building. The materials and colors used would match the existing duplex. Private open space of at least 300 square feet in size should be provided for each two-bedroom unit. The project includes 800 square feet of open space in the rear yard for Unit 715 and 300 square feet of open space in the side yard for unit 716. Therefore, the project would be consistent with the Residential Design Guidelines.
6. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: Under the provisions of 15301(e) for Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project was found

to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Acts of 1970, as amended. The proposed project involves the construction of a 1,221-square foot addition to an existing duplex which is under 10,000 square feet and is, therefore, exempt from environmental review. The subject site is served by public services such as water, sewer, trash and is not in an environmentally sensitive area. Based on the Santa Clara Valley Habitat Agency, the subject site is in an Urban-Suburban land cover area. Additionally, the proposed project is consistent with the General Plan land use designation in that the duplex will remain a duplex and will provide a design that is consistent with the surrounding neighborhood. All impacts related to noise, vibration, dust, drainage, erosions, stormwater runoff, and odor would be temporary and related to construction. Construction hours would be limited to between the hours of 7 a.m. to 7 p.m. Monday through Friday.

7. **Demolition Permit Findings.** Pursuant to Section 20.80.460 of the San José Municipal Code the following criteria have been considered by the Director of Planning to determine whether the benefits of permitting the demolition of the existing building outweighs the impacts of demolition:
- a. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
 - b. The failure to approve the permit would jeopardize public health, safety or welfare;
 - c. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood.
 - d. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
 - e. Both inventoried and non-inventoried buildings, sites and districts of historical significance should be preserved to the maximum extent feasible;
 - f. Rehabilitation or reuse of the existing building would not be feasible; and
 - g. The demolition, removal or relocation of the building without an approved replacement building should not have an adverse impact on the surrounding neighborhood.

Analysis: The project consists of the demolition of an existing approximately 540-square foot carport located in the rear yard of the subject site. The demolition of the carport would facilitate the construction of an approximately 1,221-square foot addition to the rear of an existing duplex, which would be consistent with the surrounding neighborhood, which includes a mix of single-story single-family houses and duplexes. Parking previously provided in the carport would be replaced with four open air parking spaces in the rear of the subject site. The approval of the site development permit would maintain the supply of existing housing stock as there would be no change in the number of units. The project would rehabilitate an existing duplex with updated roof, wood trim, and stucco.

8. **Site Development Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.
- a. The Site Development Permit, as approved, is consistent with and will further the policies of the General Plan and applicable Specific Plans and Area Development Policies. As described above, the project is consistent with the General Plan. There are no applicable specific plans and area development policies for the subject site.

- i. Land Use Policy LU-11.6: For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given on maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and to the degree feasible, consistent with the form of the surrounding neighborhood pattern

Analysis: The proposed project is consistent with the General Plan as analyzed above and would be consistent with the existing neighborhood character. The surrounding neighborhood includes a mix of single-story single-family houses and duplexes. The proposed addition would not change the number of units on-site. Furthermore, the proposed addition retains the existing character of the surrounding neighborhood. The project consists of a single-story, approximately 1,221 square foot addition to an existing single-story duplex. The addition would maintain the architectural style, color, and materials of the existing duplex. There would be no change to the existing maximum height of 16 feet, 2 inches. Parking would be provided in the rear of the site in a similar configuration to existing duplexes on Illinois Avenue.

- b. The Site Development Permit, as approved, conforms with the Zoning Code and all other provisions of the San José Municipal Code applicable to the project.

Analysis: As previously stated above, the proposed project is permitted in the R-2 Two-Family Residence Zoning District and meets the setback and height requirements. The project also provides the required number of vehicle parking spaces in the rear portion of the site.

- c. The Site Development Permit, as approved, is consistent with applicable City Council policies, or counterbalancing considerations justify the inconsistency.

Analysis: The project installed an on-site sign describing the project and mailed notices for the public hearing to property owners and tenants within a radius of 500 feet of the project site, which is consistent with the Public Outreach City Council Policy.

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.

Analysis: The proposed addition to the duplex would be to side and rear of the building. The building addition would be setback approximately 20 feet from the front property line and 5 feet from the northern property line. The design of the addition would be compatible and aesthetically harmonious with the architectural features of the existing duplex and would match the general aesthetic of the surrounding neighborhood. The existing duplex and addition would include updated black shingle roofing, white wood trim, and beige stucco. Further, the proposed addition would comply to the development standards of the zoning ordinance with respect to the height as analyzed above.

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.

Analysis: The addition to the duplex would maintain the existing character of the neighborhood. . The surrounding neighborhood includes a mix of single-story single-

family houses and duplexes. Parking would be provided in the rear of the site in a similar configuration to existing duplexes on Illinois Avenue. The building is setback approximately 20 feet from the front property line, which is consistent with the existing pattern of duplexes and single-family houses along Illinois Avenue. The architectural features, colors, and materials would be similar to those used in adjacent duplexes along Illinois Avenue. The project would update the entire duplex with new black shingle roofing, white wood trim and beige stucco. Similar to other duplexes on Illinois Avenue, the entrances to the units would be accessible from the south side of the building. Therefore, the project would be compatible with adjacent development and the surrounding neighborhood.

- f. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

Analysis: Under the provisions of 15301 (e) for Existing Facilities of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project was found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Acts of 1970, as amended. The proposed project involves the construction of a 1,221-square foot addition to an existing duplex which is under 10,000 square feet and is, therefore, exempt from environmental review. The subject site is served by public services such as water, sewer, trash and is not in an environmentally sensitive area. Based on the Santa Clara Valley Habitat Agency, the subject site is in an Urban-Suburban land cover area. Additionally, the proposed project is consistent with the General Plan land use designation in that the duplex will remain a duplex and will provide a design that is consistent with the surrounding neighborhood. All impacts related to noise, vibration, dust, drainage, erosions, stormwater runoff, and odor would be temporary and related to construction. Construction hours would be limited to between the hours of 7 a.m. to 7 p.m. Monday through Friday.

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

Analysis: The proposed addition would not require the removal of any trees. All existing trees, fences, and landscaping would remain and would be maintained to maintain the appearance of the site in the neighborhood. The existing wood fence would remain and, along with the existing landscaping, would screen the building and open space from view of adjacent properties. The project would provide approximately 1,100 total square feet of private open space. The project site is served by all public private utilities and services.

- h. Traffic access, pedestrian access and parking are adequate.

Analysis: The subject site is served by Illinois Avenue, a fully paved public street. The addition would not increase the amount of traffic on the existing roads and public right-of-way as the use would remain a duplex.

In accordance with the facts and findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it

would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four (4) years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this Site Development Permit shall be deemed acceptance of all conditions specified in this Permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
5. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
6. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit plans entitled, "Addition & Alteration to 714, 716 Illinois Avenue" dated November 29, 2020 on file with the Department of Planning, Building and Code

Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.

7. **Hours of Construction.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
8. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
9. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
10. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
11. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
12. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements shall be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, H19-040, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans with Disabilities Act.* The Permittee shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance begins with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
 - d. *Other.* Such other requirements as may be specified by the Chief Building Official.
13. **Fire Code Compliance.** Compliance with all applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.
14. **Tree Removal.** No tree larger than 38 inches in circumference, measured at a height of 4.5 feet above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning.
15. **Building and Property Maintenance.** The property management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
16. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.

17. **Colors and Materials.** All colors and materials are to be those specified on the Approved Plan Set.
18. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
19. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.
20. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
21. **Reclaimed Water.** The project shall conform to Chapter 15.10 and 15.11 of the San José Municipal Code. The Code addresses the use of reclaimed water including the requirement that an irrigation system be designed to allow for the current and future use of reclaimed water for all landscaped cumulative areas in excess of ten thousand (10,000) square feet.
22. **Public Works Clearance for Building Permit(s):** Prior to the issuance of Building Permits, the applicant will be required to have satisfied all the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <https://www.sanjoseca.gov/your-government/departments/public-works/development-services/public-works-applications>
 - a. **Minor Improvement Permit:** The public improvements conditioned as part of this permit may require a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
 - b. **Transportation:** This project does not require a detailed CEQA Transportation Analysis nor a Local Transportation Analysis. The project is expected to result in less-than-significant transportation impacts and the projected traffic for the project was reviewed and found to be minimal.
 - c. **Grading/Geology:**
 - i. A grading permit may be required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.

- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which include site design measures and source controls to minimize stormwater pollutant discharges.
 - e. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post Construction Hydromodification Management Policy (Council Policy 8-14).
 - f. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
 - g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
 - h. **Street Improvements:**
 - i. Remove and replace curb, gutter, and sidewalk along project frontage.
 - ii. Remove existing concrete from parkstrip and install landscape and street tree
 - i. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within the public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
23. **Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **20th day of January, 2021.**

Rosalynn Hughey, Director
Planning, Building, and Code Enforcement

Deputy